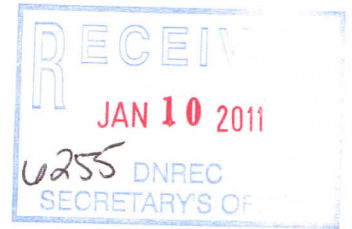


STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. Box 778
DOVER, DELAWARE 19903



CAROLANN WICKS, P.E.
SECRETARY

January 6, 2011

The Honorable Collin O'Mara
Delaware Department of Natural Resources and Environmental Control
89 Kings Highway
Dover, Delaware 19901

Dear Secretary O'Mara:

The Delaware Department of Transportation has updated our Highway Traffic Noise Policy, which describes how our agency will implement the requirements of the Federal Highway Administration (FHWA) Noise Standards, as set forth in federal regulations at 23 CFR Part 772. This policy has been prepared in collaboration with FHWA and will be submitted for their approval in January 2011. The final draft is attached for your reference.

Of significance to Department of Natural Resources and Environmental Control (DNREC) is compliance with State law and regulations. Our review of existing statute found the Delaware Noise Control Act at 7 Del. Code, Ch. 71 and its accompanying 1149 Regulations Governing the Control of Noise. Section 7106 of that chapter permits DNREC to enter into appropriate agreements with other state departments relating to noise abatement.

We have also determined through staff contact that DNREC does not currently have a funded Noise Control Program, staff engaged in the review of state agency plans or projects as related to noise control, or any plans to reinstitute such a program.

DelDOT has been and will continue to operate pursuant to federal noise standards. We believe doing so also meets the requirements of Delaware noise control law and regulations. Via this letter, we are requesting your concurrence in this regard. Your signature will indicate our agreement that so long as the noise program in DNREC remains unfunded and dormant, (1) DelDOT need not submit its highway corridor plans for DNREC review, and (2) your agency agrees to take no further action to require plan submission or perform plan review as pertaining to highway traffic noise control for federally-funded highway corridor construction projects. If DNREC's noise program is reconstituted in the future this agreement will be void and DelDOT will need to comply



Letter – Secretary O'Mara
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with that program and may need to resume plan submittals to DNREC for review and approval. Thank you very much for your consideration of this request.

Please contact me at your earliest convenience should you wish to discuss this matter in more detail.

Sincerely,

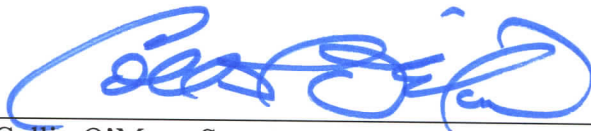


Carolann Wicks
Secretary

RM:rm

cc: Natalie Barnhart, Chief Engineer
Ralph Reeb, Director of Planning

In concurrence:



Collin O'Mara, Secretary
Department of Natural Resources and Environmental Control

10/10/2010
Date

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